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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,332	04/20/2004	Charles Henry Lederer IV	4822-0102P	2928
2292	7590	02/28/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/827,332

**Applicant(s)**

LEDERER, CHARLES HENRY

**Examiner**

DARYL C. POPE

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 20-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 19-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/13/2006.
2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Objections***

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 11 has been number twice. Therefore, misnumbered claims 11(second occurrence) through 28 have been renumbered 12-29, respectively.

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,3,5-6,11-12, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Welch et al(5,319,363).

-- In considering claim 1, the claimed subject matter that is met by Welch et al(Welch) includes:

1) the control unit is met by the workstation CPU(24b) or workstation(24);

2) the plurality of medical condition monitoring units is met by the patient care devices(16) which are connected to the workstation(24) via network links(12) and cable(20);

3) the plurality of speakers connected to the control unit is met by the annunciators(30).

-- With regards to claim 3, the annunciator panel connected to the control unit located at a nurse's desk is met by the display serene(24f) of nurse's workstation(24) which is connected to cpu(24b).

-- With regards to claim 5, the plurality of speakers located in the walls of a building is met(see: column 6, lines 19-23).

-- With regards to claim 6, the plurality of units being ventilators are met by the PCD's(16) being ventilators(see: column 4, lines 59-61).

-- Claim 11 recites subject matter that is met as discussed in claim 1 above, as well as:

1) the plurality of light sources connected to the control unit is met by each annunciator(30) including an LED array(see: column 6, lines 3-6).

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- Claim 12 recites subject matter that is met as discussed in claim 11 above.
- Claim 16 recites subject matter that is met as discussed in claim 5 above(see: column 6, lines 19-23).
- Claim 17 recites subject matter that is met as discussed in claim 6 above(see: column 4, lines 59-61).
- Claims 18-19 recite subject matter that is met as discussed in claims 1 and 11 above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2,4,7-10,13-15, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welch et al(Welch).

-- With regards to claims 2,4,7-10, and 13-15, the examiner takes Official Notice that in the alarm communication art, use of alarm systems including audible and visual alarms that are controlled so as to be varied in tone, volume, intensity, etc. at a user's discretion is well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above stated limitations into the system of Welch as desired, since one of ordinary skill would have recognized the advantage of varying an alarm output at a user's discretion, since this would have enhanced the perceptibility of the alarm as desired.

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-- Claim 29 recites subject matter that is met as discussed in claim 18 above, as well as:

1) the adapter is met by the RS232 port(306) which allows the PCD(16) to be connected to the workstation(24) via server(302)(see: column 17, lines 4-21).

Furthermore, although use of circuitry including a switch having first and second positions to respectively pass and suppress alarm outputs to the control unit is not shown by Welch. However, Welch does teach that the PCD(16) being connected to the network link based on being turned off or on(see: column 11, lines 12-41). In view of this it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate an on/off switch for the PCD, which therefore would have controlled alarm outputs being sent to the workstation(24) base on the operational condition of the PCD.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

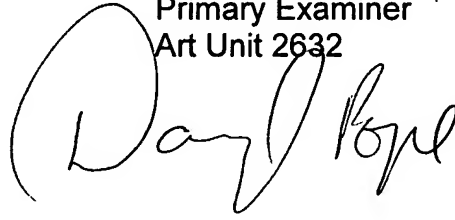
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Feb 5, 2006

DARYL C POPE  
Primary Examiner  
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.